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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,042	02/01/2001	Lisa A. Fillebrown	107870.00012	8351

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EXAMINER

GECKIL, MEHMET B

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,042

Applicant(s)

FILLEBROWN ET AL.

Examiner

Mehmet B. Geckil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 23-29, 31, 34, 35, 38, 39 and 41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 30, 32, 33, 36, 37, 40, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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1. Claims 1-43 are presented for examination. Applicant elected group I, i.e., claims 1-22, 30, 32,33,36,37,40,42,43 for prosecution in response to restriction requirement.

2. Applicant's election of claims 1-22, 30, 32,33,36,37,40,42,43 in the reply filed on 7/15/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Therefore, claims 15-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. The restriction requirement is made FINAL.

3. This application contains claims 23-29, 31, 34,35,38,39, and 41 drawn to an invention nonelected without traverse in the reply of 7/15/04. A complete reply to the final rejection must include cancellation of nonelected claims.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-22, 30, 32,33,36,37,40,42,43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gershman et al.

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6. Gershman et al (6,356,905) taught the invention substantially as claimed including a wireless network including wireless server (2722) and mobile device (2713) which is in communication with the wireless server for processing data packets received from the wireless server wherein the data packet is associated with applications running on the wireless server, wherein the system executing a method of processing a packet in the wireless network, comprising:

- a) wirelessly receiving a data packet having data therein (col 28 and col 50, line 2 et seq); and
- b) invoking the software application associated with the type of the message (data) received (col 50, line 4 et seq.)

7. It would have been obvious to one of ordinary skill in the networking art at the time of the invention that the claimed invention differed from the teachings of Gershman et al only by a degree, e.g., in the claimed association. Gershman et al's invoking a software application is an obvious variation of claimed association. Functionally they perform the same operation, i.e., cause the relevant software application to start executing. Other claimed elements are all obvious variations of the well known features of networking. Moreover, it is well known in the Microsoft windows operating systems to associate applications with the data types. For example, when a user downloads a new type of data from the internet, the operating system prompts the user to select an application program which would process that data type and when user selects the application, the system creates an association in the registry for that data type. These are all well known to the users of the windows operating systems for a long time. It would have been obvious to one of ordinary skill in the networking art at the time of the invention to apply association operation from the windows environment into any other computing

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environment including wireless environment. For example, a notebook computer running windows operating system is equipped to do the association as described hereinabove. The notebook installed with a wireless Ricochet modem would receive data packets wirelessly and associate them with applications as described hereinabove. These set of claims are extremely broad and are not allowable.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jack Harvey, can be reached on (703) 305-9705. The fax phone numbers for the organization where this application or proceeding is assigned are listed hereinbelow.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700. Customer service number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

9/9/04

Mehmet Geckil

MEHMET B. GECKIL
PRIMARY EXAMINER